

Wetlands Bureau Decision Report

Decisions Taken
12/07/2009 to 12/13/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2009-01112 SWENSON, CHRISTOPHER
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Rebuild an existing 4 ft x 40 ft dock to 6 ft x 40 ft, add a 6 ft x 10 ft cross walk and a 6 ft x 40 dock, add a 6 ft x 8 ft sitting area adjacent to an existing breakwater on Lake Winnepesaukee, Moultonboro.

Conservation Commission/Staff Comments:

Con Com states project is not a Min Impact project and wrong application was used for the submittal of information

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Rebuild an existing 4 ft x 40 ft dock to 6 ft x 40 ft, add a 6 ft x 10 ft cross walk and a 6 ft x 40 dock, add a 6 ft x 8 ft sitting area adjacent to an existing breakwater on Lake Winnepesaukee, Moultonboro.

With Findings:

1. A request for additional information dated September 15, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-01572 MCKERNAN, BRENDAN
WOLFEBORO Lake Winnepesaukee

Requested Action:

Dredge 19.14 cu yd from 423.5 sq ft of lakebed, dredge 4 large boulders, and excavate 893 sq ft along 32 linear ft of shoreline to construct a 19 ft x 47 ft dug-in boathouse, install a 6 ft x 30 ft seasonal pier and a seasonal personal watercraft lift, and excavate 794 sq ft along 30 linear ft of frontage to construct a 794 sq perched beach with 6 ft wide access step to the water on an average of 151 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

APPROVE PERMIT:

Dredge 19.14 cu yd from 423.5 sq ft of lakebed, dredge 4 large boulders, and excavate 893 sq ft along 32 linear ft of shoreline to construct a 19 ft x 47 ft dug-in boathouse, install a 6 ft x 30 ft seasonal pier and a seasonal personal watercraft lift, and excavate 794 sq ft along 30 linear ft of frontage to construct a 794 sq perched beach with 6 ft wide access step to the water on an average of 151 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Planning and Permits as revised October 26, 2009 and received by DES on November 9, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
14. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
15. Seasonal structures shall be removed from the lake for the non-boating season.
16. No portion of the seasonal pier shall extend more than 30 feet from the shoreline at full lake elevation.
17. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
18. The steps installed for access to the water shall be located completely landward of the normal high water line.
19. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
20. This permit shall be used only once, and does not allow for annual beach replenishment.
21. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
22. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
23. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in and adjacent to any waters of the state without a permit from the department."
2. In accordance with Rule Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall explain the need for the proposed project.
3. In accordance with Rule Wt 302.04(d)(5), Requirements for Application Evaluation, the Department shall not grant permit if the applicant has failed to document consideration of the factors required in Rule Wt 302.04 (a).
4. In accordance with Rule Wt 401.01, Purpose, the purpose of Chapter 400, Shoreline Structures, is to protect the public trust, and other interests of the state of New Hampshire and prevent unreasonable encroachment on surface waters. "To preserve the integrity of the surface waters of the state all structures shall be constructed so as to...minimize the reduction of water area available for public use..."
5. In accordance with Rule Wt 402.09(b)(4), Structures Disallowed, boathouses over a dredged inlet may be permitted only where "[a]lternative docking and storage solutions with less environmental impact do not exist."

6. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
7. In accordance with Rule Wt 302.04(d)(1), Requirements for Application Evaluation, the Department shall not grant permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.
8. This project is classified as a major project per Rules Wt 303.02(g) dredge of more than 20 cubic yard from public waters.

Findings of Fact

1. The applicant has an average of 151 feet of shoreline frontage along Lake Winnepesaukee.
2. The docking facilities will provide 3 slips as defined per RSA 482-A:2, VIII.
3. Two of the proposed slips will be available for year-round boat storage.
4. The alternative of constructing of a 2 slip boathouse to provide storage over the water is prohibited per Rule Wt 402.09(a).
5. The proposed boathouse will be located entirely within the property of the applicant with no intrusion into the public waters.
6. A minimally sized 2 slip docking facility, with seasonal canopies, constructed over the water would result in 780 sq ft of intrusion extending at least 30 ft into the public waters and would not allow for the storage of watercraft.

Rulings in Support of the Decision

1. The construction of a docking facility over the public waters will not meet the Applicant's storage needs.
2. The construction of a docking facility over the water would result in a greater intrusion into the public waters, and therefore, would not be consistent with the purpose of Chapter 400.
3. The Applicant has adequately addressed Rule Wt 302.04(a) as required for approval per Rule Wt 302.04(d).

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2009-01473 KOZLOVSKY, ALEXANDER
WOLFEBORO Crescent Lake

Requested Action:

Construct a 4 ft x 20 ft seasonal dock, relocate an existing 5 ft x 6 ft wooden platform to use as an anchor pad for the proposed dock, dredge 3.7 cubic yards of rock from 200 sq ft of lakebed, dredge 5.2 cubic yards organic material from 425 sq ft of lakebed, dredge 7.8 cubic yards of rock from 210 sq ft of lakebed, and remove rock from 57 sq ft of bank in two separate locations, along an average of 356 ft of frontage on Goodwin Basin, off Crescent Lake, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com has no objection to the application

DENY PERMIT:

Construct a 4 ft x 20 ft seasonal dock, relocate an existing 5 ft x 6 ft wooden platform to use as an anchor pad for the proposed dock, dredge 3.7 cubic yards of rock from 200 sq ft of lakebed, dredge 5.2 cubic yards organic material from 425 sq ft of lakebed, dredge 7.8 cubic yards of rock from 210 sq ft of lakebed, and remove rock from 57 sq ft of bank in two separate locations, along an average of 356 ft of frontage on Goodwin Basin, off Crescent Lake, in Wolfeboro.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(g), "removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters."
3. In accordance with Rule Env-Wt 302.04(d) "the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction."
4. In accordance with Rule Env-Wt 302.04 (a), the applicant shall demonstrate by plan and example that "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".
5. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate "the need for the proposed impact" by plan and example.
6. In accordance with RSA 482-A:3,(2) "Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary."
7. In accordance with RSA 482-A:3,(3) "Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request (A) Approve or deny the application, in whole or in part".

Findings of Fact

1. On July 8, 2009, the Wetlands Bureau received a Standard Dredge and Fill Application for surface water impacts on the lot identified as Wolfeboro tax map 191, lot 80, to construct a seasonal dock, relocate an existing wooden platform to use as an anchor pad for the proposed dock, and dredge several cu yd of rock and organic material from areas along an average of 356 ft of frontage on Goodwin Basin, off Crescent Lake, in Wolfeboro.
2. The Request for More Information letter also requested plans relocating the proposed dock located to an area which would not require the removal of material from the waterbody.
3. The Request for More Information letter requested evidence of the need to impact the wetlands and/or surface waters.
4. On November 12, 2009, the Wetlands Bureau received a response to the Request for More Information letter. The response included a plan indicating similar impacts as originally proposed.
5. The construction of a 6 ft x 30 ft long seasonal dock impacting 180 sq ft of public water in an alternative location is less impacting than dredging 210 sq ft of lake bed to provide a boatslip.
6. The material to be dredge provides a variety of habitat types along this area for both small finfish and macro invertebrates.

Rulings in Support of Denial

1. The applicant did not submit the least impacting alternative project for this site and, therefore, pursuant Env-Wt 302.04(d) the application is denied.
2. The applicant did not submit the need for the proposed impacts. Therefore pursuant to Env-Wt 302.04(d), the application is denied.
3. The applicant did not submit all of the information, requested pursuant to RSA 482-A:3. Therefore, the application is denied.

2009-01642 BACON, DANIEL
CONWAY Unnamed Wetland

Requested Action:

Propose to retain 3,552 square feet of wetlands impact for a driveway and residential utility lines and restore/grade and re-vegetate 6,703 square feet of wetlands.

APPROVE AFTER THE FACT:

Retain 3,552 square feet of wetlands impact for a driveway and residential utility lines and restore/grade and re-vegetate 6,703

square feet of wetlands.

With Conditions:

1. All work shall be in accordance with impact areas #1-5 described in the project narrative by Mr. Daniel Bacon as received by DES on July 27, 2009, and as shown on plan entitled: Wetland Restoration Plan as amended by Daniel Bacon and received by DES on July 27, 2009.
2. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one growing season, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor project per Env-Wt 303.03(h): projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The NH Natural Heritage Bureau and/or the Nongame and Endangered Species Program determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, they do not expect that it will be impacted by the proposed project.
3. No comments were submitted from the Conway Conservation Commission.

2009-01779 LEMAY, VICTOR
NEW BOSTON Unnamed Wetland

Requested Action:

Dredge and fill 4,870 sq. ft. (188 lin. ft.) of intermittent stream/palustrine forested wetlands to relocate 152 lin. ft. of intermittent stream for road access and install a 15-in. x 16-ft. HDPE culvert and twin 24-in. x 30-ft. HDPE culverts for driveway access to a proposed 9-lot subdivision on \pm 29 acres

APPROVE PERMIT:

Dredge and fill 4,870 sq. ft. (188 lin. ft.) of intermittent stream/palustrine forested wetlands to relocate 152 lin. ft. of intermittent stream for road access and install a 15-in. x 16-ft. HDPE culvert and twin 24-in. x 30-ft. HDPE culverts for driveway access to a proposed 9-lot subdivision on \pm 29 acres

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated April 25, 2009 (sheet no.'s 1-6, 9 & 11-15), and plans dated July 18, 2009 (sheet 8), as received by DES on August 06, 2009, and plans dated July 18, 2009, and revised through November 09, 2009, as received by the Department on November 16, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to

be in stormwater discharged from the completed project.

8. This permit is contingent upon the successful completion of intermittent stream relocation in accordance with the above plans. The schedule for construction of the stream creation area shall occur prior to site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
9. Work shall be done during low flow conditions.
10. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
11. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. There shall be no excavation or operation of construction equipment in flowing water.
15. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
17. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
18. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. Culverts shall be laid at original grade.
21. Proper headwalls shall be constructed within seven days of culvert installation.
22. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
24. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
25. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
26. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
27. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
28. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
29. Native material removed from the streambed during construction, shall be stockpiled separately and reused to emulate a natural channel bottom in the created stream channel. Any new materials used in the created stream bed must be similar to the natural stream substrate and shall not include angular rip-rap.
30. The recreated stream channel bed must maintain a consistent stream bed elevation and not impede stream flow.
31. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
32. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.
33. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent nontidal stream or its banks.
2. Relocating the road further north would increase wetland and stream impacts and the property to the south of the proposed road is not owned by the Applicant.
3. The Agent has confirmed that jurisdictional flows will not be redirected into stormwater structures.
4. In correspondence dated September 15, 2009, the New Boston Conservation Commission stated they had no concerns with the presented plans.
5. In email correspondence dated November 05, 2009, the Environmental Protection Agency indicated the project is eligible for authorization under the Federal permit known as the New Hampshire Programmatic General Permit (NHSPGP).
6. The request for project review by the NH Division of Historical Resources has confirmed that no historic resources are present.
7. The project will impact slopes greater than 25% within 50 feet of a jurisdictional area, and therefore this permit is contingent on approval from the DES Alteration of Terrain Program.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02711 HCA REALTY INC
PORTSMOUTH Unnamed Wetland

Requested Action:

Impact 6284 sq. ft. of wetlands for the construction of a 2 story medical building with associated parking and stormwater management

WITHDRAW APPLICATION:

Impact 6284 sq. ft. of wetlands for the construction of a 2 story medical building with associated parking and stormwater management

With Findings:

1. Application withdrawn per request of applicant dated 12/5/2009, due to impacts of new City of Portsmouth zoning regulations.

MINIMUM IMPACT PROJECT

2007-02481 VIENS, HOWARD
DEERFIELD Pleasant Lake

Requested Action:

Corrected permit; for seasonal boatlift and 12 ft x 8 ft seasonal canopy.

APPROVE PERMIT:

Repair "in kind" an existing 15 linear feet of retaining wall, after-the-fact approval for a seasonal boatlift with a 12 ft x 8 ft seasonal canopy, on Pleasant Lake, Deerfield.

With Conditions:

1. All work shall be in accordance with plans by Sanford Surveying and Engineering revision dated November 04, 2009, as received

by DES on November 06, 2009.

2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Repair shall maintain existing size, location and configuration.
6. Work shall be done during drawdown.
7. This permit does not allow for the removal of any trees or stumps during the repair.
8. The seasonal boatlift shall be removed for the non-boating season.
9. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls.

2008-01153 WATER WONDERS LLC
LONDONDERRY Unnamed Wetland

Requested Action:

Dredge and fill 1,205 sq. ft. of man-made wetlands being part of an oversized detention pond no longer needed at the original design capacity to provide for lot development.

Conservation Commission/Staff Comments:

The Londonderry Conservation Commission has reviewed this application and recommends approval.

APPROVE AMENDMENT:

Dredge and fill 1,205 sq. ft. of man-made wetlands being part of an oversized detention pond no longer needed at the original design capacity to provide for lot development.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated 6/12/08 (last revised 4/17/09, as received by DES on August 25, 2009).
2. NH DES Wetlands Bureau Southeast Region staff and the Londonderry Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

2008-02018 PETRI, DAPHANE
LYME Post Pond

Requested Action:

Appellant requests reconsideration of the Department's decision to approve after-the-fact placement of sand on the grounds the applicant did not submit plans which met the requirements listed in the Letter of Deficiency dated December 03, 2008.

Conservation Commission/Staff Comments:

Con Com submitted no comments by July 15, 2009

DENY RECONSIDERATION:

Deny reconsideration and reaffirm the approval to install a 40 ft timber retaining wall landward of full lake elevation, construct a 40 retaining wall at the rear of the beach area, retain 4 cubic yards of sand placed on the beach and retain a 6 ft x 30 ft seasonal dock on an average of 277 feet of frontage on Post Pond, Lyme.

With Findings:

Grounds for Reconsideration

1. The reconsideration request states the Department's decision was in error because the department was misinformed as to the location of natural mean high water or reference line.
2. The reconsideration request states the Department's decision was in error because the applicant has applied to retain sand placed below normal high water.

Standards for Approval

1. In accordance with RSA 482-A:10, II "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
2. In accordance with RSA 482-A:10,III, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration", and RSA 482-A:10,III continues "The department shall grant or deny the request for reconsideration within 30 days of the department's receipt of the request".
3. In accordance with RSA 482-A:11,II "If a permit is granted, the decision of the department may contain reasonable conditions designed to protect the public good."
4. In accordance with Env-Wt 302.04(a)(2) "The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".

Findings of Fact

1. On July 15, 2009, the Department issued a permit, with conditions, for the applicant to install a 40 ft timber retaining wall landward of full lake elevation, construct a 40 retaining wall at the rear of the beach area, retain 4 cubic yards of sand placed on the beach and retain a 6 ft x 30 ft seasonal dock on an average of 277 feet of frontage on Post Pond, Lyme.
2. Condition number 1 of the approved permit states, "All work shall be in accordance with plans by Robert Newton, as received by DES on May 01, 2009."
3. The approved plans do not indicate the full lake elevation, however the plans indicate all work to be conducted above full lake elevation.
4. Condition number 9 of the approved permit states, "Material placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 428.8). The existing shoreline at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable."
5. The full lake elevation of Post Pond is elevation 428.8.

6. On August 04, 2009, the Department received a reconsideration request from the appellant requesting the Department reconsider its after-the-fact approval for the sand placed and construction of a retaining wall above full lake elevation.
7. The reconsideration request states the Department's decision was in error because the department was misinformed as to the location of natural mean high water or reference line.
8. The reconsideration request states the Department's decision was in error because the applicant has applied to retain sand placed below normal high water.

Rulings in Support of the Decision

1. The Permit issued by the Department included specific conditions to limit all work above full lake elevation of 428.8. This condition adequately addresses the appellant's reconsideration request, therefore in accordance with RSA 482-A:10,III, the request for reconsideration is denied.
2. Removing the small volume of sand placed in the waterbody and disturbing the lakebed would be more impacting to the waterbody than leaving the sand to allow the natural vegetation re-establish the area, therefore the request for reconsideration is denied.

2008-02401 LITTLEJOHN, SCOTT **HOLDERNESS Little Squam Lake**

Requested Action:

Appellant request reconsideration of the Department's decision to permit a seasonal dock extension to an existing seasonal dock to create an 85 ft long seasonal dock on an average of 88 ft of frontage on Little Squam Lake in Holderness.

DENY RECONSIDERATION:

Deny reconsideration and reaffirm the approval to install a 6 ft x 45 ft seasonal dock extension to an existing 4 ft x 45 ft seasonal dock to create an 85 ft long seasonal dock on an average of 88 ft of frontage on Little Squam Lake, in Holderness.

With Findings:

Grounds for Reconsideration

1. The Appellant claims the waterbody is currently past carrying capacity for watercraft.
2. The Appellant claims the construction of a docking structure will reduce the navigable area of an already congested lake.

Standards for Approval

1. In accordance with RSA 482-A:10, II "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
2. In accordance with RSA 482-A:10,III, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration", and RSA 482-A:10,III continues "The department shall grant or deny the request for reconsideration within 30 days of the department's receipt of the request".

Findings of Fact

1. On April 1, 2009, the Department issued a permit, with conditions, for the applicant to install a 4 ft x 45 ft seasonal dock extension to an existing 4 ft x 45 ft seasonal dock to create an 85 ft long seasonal dock on an average of 88 ft of frontage on Little Squam Lake, in Holderness.
2. On October 29, 2009, the Department issued an amended permit, with conditions, increasing the width of the seasonal dock extension from 4 ft to 6 ft for reasons of structural stability.
3. The increase in the width of the pier will have no impact on the ability of boaters to navigate this portion of Little Squam Lake.
4. On November 16, 2009, the Department received a letter from the appellant requesting an appeal from the decision stating the

construction of a longer docking structure will reduce the navigable area of an already congested lake.

5. The date of the approval for the additional length was April 1, 2009.

Rulings in Support of the Decision

1. The Appellant failed to submit a timely request for reconsideration of the April 1, 2009 approval. Therefore in accordance with RSA 482-A:10,III, the request for reconsideration request is denied.

2009-00810 TIDEWATCH CONDO. ASSOC. PORTSMOUTH Sagamore Creek

Requested Action:

Impact 210 sq. ft. of intermittent stream channel in the developed upland tidal buffer zone to stabilize eroded channel with a sub-layer of stone covered with sod; temporarily impact 90 sq. ft. (three 30 sq. ft. sections) of an intermittent stream to remove old construction-phase stormwater check dams which are contributing to property flooding.

APPROVE PERMIT:

Impact 210 sq. ft. of intermittent stream channel in the developed upland tidal buffer zone to stabilize eroded channel with a sub-layer of stone covered with sod; temporarily impact 90 sq. ft. (three 30 sq. ft. sections) of an intermittent stream to remove old construction-phase stormwater check dams which are contributing to property flooding.

With Conditions:

1. All work shall be in accordance with revised plans by Ambit Engineering, Inc. dated 11/25/2009, as received by DES on 11/25/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during a period of non-flow.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line that are not minor or major; and per Env-Wt 303.04(n) projects disturbing less than 50 linear feet of an intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The intermittent stream is experiencing on-going erosion before draining into the tidal resource. The construction-phase stone check dams have been in place for many years and have turned into obstructions that are redirecting flow and causing flooding problems.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is using a combination of stone and sod surface for stabilization, which will provide a vegetated stream channel. The check dam removal impacts are minimal and temporary.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The species of concern reported for the greater project vicinity are not located on this site and will not be affected by proposal.
5. The Portsmouth Conservation Commission recommended approval of the project with certain recommendations, which have been incorporated into the revised design.

2009-01122 MOODY, JOHN
WEARE Unnamed Wetland

Requested Action:

Dredge and fill \pm 390 sq. ft. of palustrine scrub-shrub/emergent wetlands to install an 18-inch RCP culvert for the construction of an access road to a communication tower facility.

APPROVE PERMIT:

Dredge and fill \pm 390 sq. ft. of palustrine scrub-shrub/emergent wetlands to install an 18-inch RCP culvert for the construction of an access road to a communication tower facility.

With Conditions:

1. All work shall be in accordance with plans by Dewberry-Goodkind, Inc. dated November 05, 2008, and revised through May 06, 2009, as received by the Department on June 03, 2009.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The applicant shall provide post-construction photographs of all approved construction referenced in this permit within 30 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The applicant has received written consent from the owner of tax map/lot no. 411/289, abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
3. A Section F, Atypical Situations, Wetland Delineation was completed for the disturbed wetlands.
4. No comments of concerns were submitted from municipal offices, federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The request for project review by the NH Division of Historical Resources has confirmed that no historic resources are present.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

2009-02250 TILTON & NORTHFIELD WATER DISTRICT
TILTON Winnepesaukee River

Requested Action:

Emergency authorization follow-up for installation of temporary cofferdams to repair a failed 6 in. water main in the bed and banks of the Winnepesaukee River.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization follow-up (issued 10/05/09) for installation of temporary cofferdams to repair a failed 6 in. water main line in the bed and banks of the Winnepesaukee River.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) repair and replacement of structures and Env-Wt 303.04(l) installation of temporary cofferdams.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The repairs were needed immediately to assure continued public water supply.

2009-02295 LYME, TOWN OF
LYME Unnamed Stream

Requested Action:

Confirm emergency authorization to impact 400 square feet (approximately 30 linear feet) of the bank of an unnamed perennial stream to stabilize the stream bank and roadway that failed during a storm. Work included reestablishing the roadway side slope and stabilizing the road.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization to impact 400 square feet (approximately 30 linear feet) of the bank of an unnamed perennial stream to stabilize the stream bank and roadway that failed during a storm. Work included reestablishing the roadway side slope and stabilizing the road.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and do not exceed any of the following criteria: (1) Drainage structures shall not exceed 3,000 square feet of dredge or fill in area; (2) Culverts shall not cross streams 10 feet wide or greater, measured from base of bank slope to base of bank slope; (3) Wetlands crossed shall have no standing water for 10 months of the year and shall not exceed 50 feet across, measured along the roadway, and the fill width measured at the base of the roadway side slopes shall not exceed 50 feet; or (4) Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of

- the year, and shall not exceed 10 feet of additional encroachment measured from base of slope;
2. The emergency repairs were needed to protect the existing roadway and provide safe roadway passage for the public.
 3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 05, 2009.
 4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2009-02336 MESSENGER, JAMES & CAROL
NEW LONDON Pleasant Lake

Requested Action:

Install a 6 ft x 4 ft concrete anchor pad and replace the pre-existing 6 ft x 30 ft seasonal pier with a 6 ft x 34 ft seasonal pier on an average of 223 ft of frontage on Pleasant Lake in Sunapee.

APPROVE PERMIT:

Install a 6 ft x 4 ft concrete anchor pad and replace the pre-existing 6 ft x 30 ft seasonal pier with a 6 ft x 34 ft seasonal pier on an average of 223 ft of frontage on Pleasant Lake in Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 15, 2009, as received by DES on October 15, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 34 feet from the shoreline at full lake elevation.
6. The concrete pad shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), modification of a 2 slip seasonal pier.
2. The Applicant has submitted waterdepth information justifying the 34 ft pier length.

FORESTRY NOTIFICATION

2009-00947 HOLLIS CONSERVATION COMMISSION
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:

Hollis Tax Map/Lot# 10/18 & 15/1,3

2009-02832 DULAC, GERARD
SANBORNTON Unnamed Stream

COMPLETE NOTIFICATION:
Sanbornton Tax Map 20, Lot# 13

2009-02833 PALMER, DIANE
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 230, Lot# 38

2009-02835 WHITTEMORE, PAUL
ANTRIM Unnamed Stream

COMPLETE NOTIFICATION:
Antrim Tax Map/Lot# 6/259 & 236/2

2009-02855 MARGOLIS, RICHARD & MARGARET
CENTER CONWAY Unnamed Stream

COMPLETE NOTIFICATION:
Center Conway Tax Map 260, Lot# 52

2009-02856 FORECASTLE TIMBER NH LLC
CHESTERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Chesterfield Tax Map 10, Lot# 13-23

2009-02857 NEW ENGLAND FORESTRY FOUNDATION
NEW BOSTON Unnamed Stream

COMPLETE NOTIFICATION:
New Boston Tax Map 13, Lot# 67

2009-02858 STICKNEY, DANIEL & ANKE
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:
Grafton Tax Map 6, Lot# 185

2009-02859 LAKEVILLE SHORES INC
WINCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Winchester Tax Map/Lot# 1/56 & 4/53, 59-1

2009-02860 **HOLMES, BRUCE**
ALTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Alton Tax Map 6, Lot# 3

2009-02861 **BUCKLIN FAMILY TRUST, CHARLES**
NEW LONDON **Unnamed Stream**

COMPLETE NOTIFICATION:
New London Tax Map 33, Lot# 27

2009-02870 **BARTON, GEORGE**
GILMANTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Gilmanton Tax Map 128, Lot# 22

2009-02871 **MAZERALL, JOEL**
LYNDEBOROUGH **Unnamed Stream**

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 226, Lot# 1

2009-02872 **HUTCHINS, SHIRLEY**
DEERFIELD **Unnamed Stream**

COMPLETE NOTIFICATION:
Deerfield Tax Map 422, Lot# 1

2009-02901 **CORMIER, ODILON**
NORTHFIELD **Unnamed Stream**

COMPLETE NOTIFICATION:
Northfield Tax Map 14, Lot# 5-1

2009-02902 **THOMPSON, WILFRED**
LITTLETON **Unnamed Stream**

COMPLETE NOTIFICATION:
Littleton Tax Map 9, Lot# 22

2009-02911 **SPNHF**
NEWBURY **Unnamed Stream**

COMPLETE NOTIFICATION:
Newbury Tax Map 29, Lot# 314,330

EXPEDITED MINIMUM

2008-00229 LANGONE, JOSEPH
WOLFEBORO Lake Winnepesaukee

Requested Action:

The Applicant requests the permit be amended to include access steps to and from the perched beach.

APPROVE AMENDMENT:

Construct a 290 sq ft perched beach on 165 ft of frontage in Wolfeboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans dated November 6, 2009 as received by DES on November 10, 2009.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. No more than 10 cubic yards of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. Unnecessary removal of vegetation is strictly prohibited.
10. The steps to the water shall be located landward of the normal high water line (Elevation 504.32).
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01686 HAMEL, ROBERT
CAMBRIDGE Unnamed Stream

Requested Action:

Impact 11 square feet of wetlands to allow an access road to be widened. Work in wetlands involves adding 4 feet of length to an

existing culvert.

APPROVE PERMIT:

Impact 11 square feet of wetlands to allow an access road to be widened. Work in wetlands involves adding 4 feet of length to an existing culvert.

With Conditions:

1. All work shall be in accordance with the plans by York Land Services, LLC. entitled Road Plan dated July 02, 2009 as received by DES on August 05, 2009 and Subdivision Plans by York Land Services, LLC. entitled Hampshire Hills dated October 20, 2008, as received by the Department on September 21, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culverts shall be laid at original grade.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minimum impact project per 303.04(f) projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. Coos County is requesting that the existing road is widened. To meet the request the existing culvert must be lengthened by 4 feet.
5. The NHFG Nongame and Endangered Wildlife Program commented that the project is not likely to impact rare wildlife species listed by the Natural Heritage Bureau.

2009-01716 WALDHEIM TRUST
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair an existing 10 ft x 35 ft jetty on Mirror Lake, Tuftonboro.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Repair an existing 10 ft x 35 ft jetty on Mirror Lake, Tuftonboro.

With Findings:

1. A request for additional information dated August 31, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-02096 PHOENIX REALTY TRUST
MEREDITH Lake Winnepesaukee

Requested Action:

Replace an existing 6 ft x 40 ft seasonal dock and repair an existing 360 sq ft patio on the bank on 100 ft of frontage, Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 6 ft x 40 ft seasonal dock and repair an existing 360 sq ft patio on the bank on 100 ft of frontage, Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans as received by DES on September 15, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. Patio repair shall maintain existing size, location and configuration.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair of existing structures.

2009-02172 MCLEAN, DWAYNE
DUBLIN Unnamed Wetland

Requested Action:

Dredge and fill ± 710 sq. ft. of intermittent stream to install twin 18-inch x 23.6-foot HDPE culverts (crossing no. 1) and an 18-inch x 22.5-foot HDPE culvert (crossing no. 2) for driveway access to a single family existing lot of record.

APPROVE PERMIT:

Dredge and fill \pm 710 sq. ft. of intermittent stream to install twin 18-inch x 23.6-foot HDPE culverts (crossing no. 1) and an 18-inch x 22.5-foot HDPE culvert (crossing no. 2) for driveway access to a single family existing lot of record.

With Conditions:

1. All work shall be in accordance with plans by Rogers Engineering Solutions dated September 03, 2009, as received by the Department on September 23, 2009.
2. Work shall be done during periods of non-flow.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The applicant shall provide post-construction photographs of all approved construction referenced in this permit within 30 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. Available maps confirm the streams proposed for impact are intermittent and flow into the perennial, Stanley Brook just downstream of the subject parcel.
3. A permanent easement was secured in 1957 for access through tax map/lot no. 4/5A.
4. The Conservation Commission signed the Minimum Impact Expedited Application.
5. No comments of concern were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02425 SEACOAST DEVELOPMENT GROUP LLC
PORTSMOUTH Unnamed Stream

Requested Action:

Cut invasive species and plant native species within a 120 linear foot x 20' wide bank section of Hodgson Brook as part of Hodgson Brook Restoration Project.

APPROVE PERMIT:

Cut invasive species and plant native species within a 120 linear foot x 20' wide bank section of Hodgson Brook as part of Hodgson Brook Restoration Project.

With Conditions:

1. All work shall be in accordance with plans by the Hodgson Brook Restoration Project dated 11/9/2009, as received by DES on 11/12/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of degraded wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Invasive species have been identified in this riparian buffer which need to be removed before they become dominant.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The invasives will be cut at the roots with no dredge, and native species will be planted to out-compete the regrowth of the invasives.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project area.
5. The Portsmouth Conservation Commission signed the expedited application.

2009-02592 DERRY DPW, TOWN OF
DERRY Unnamed Stream

Requested Action:

Impact 110 square feet within the bed and banks of an unnamed intermittent stream for the replacement of the two (2) existing, failing 24-inch corrugated metal pipes and replace them with two (2) 24-inch HDPE pipes beneath Beaver Lake Avenue to improve water flow and safe vehicular passage.

Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 110 square feet within the bed and banks of an unnamed intermittent stream for the replacement of the two (2) existing, failing 24-inch corrugated metal pipes and replace them with two (2) 24-inch HDPE pipes beneath Beaver Lake Avenue to improve water flow and safe vehicular passage.

With Conditions:

1. All work shall be in accordance with plans by the Town of Derry Engineering Division dated September 30, 2009, as received by DES on October 3, 2009.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road.
2. The existing culverts beneath Beaver Lake Ave are compromised and failure is imminent , therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

TRAILS NOTIFICATION

2009-01954 USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST
THORNTON Unnamed Stream

COMPLETE NOTIFICATION:
Thornton Tax Map 1, Lot# 1-3

2009-01955 USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST
WOODSTOCK Unnamed Stream

COMPLETE NOTIFICATION:
Woodstock Tax Map 406, Lot# 4

2009-02704 MCCORMACK, RICHARD
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Moultonboro Tax Map 25, lot# 4

ROADWAY MAINTENANCE NOTIF

2009-02908 STRAFFORD, TOWN OF
STRAFFORD Unnamed Stream

PERMIT BY NOTIFICATION

2009-02752 OSSIPEE, TOWN OF
OSSIPEE Unnamed Wetland Ossipee Lake

Requested Action:

Replace in-kind 60 oak pilings supporting previously permitted boardwalk. Total impact approximately 33 sq. ft.

Conservation Commission/Staff Comments:

Ossipee Conservation Commission signed PBN.

PBN IS COMPLETE:

Replace in-kind 60 oak pilings supporting previously permitted boardwalk. Total impact approximately 33 sq. ft.

2009-02801 GREICO, JAMES & LINDA
SUTTON Unnamed Wetland

Requested Action:

Dredge and fill 1,518 sq. ft. of palustrine wet meadow wetlands for driveway access to an existing lot of record.

PBN IS COMPLETE:

Dredge and fill 1,518 sq. ft. of palustrine wet meadow wetlands for driveway access to an existing lot of record.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-02823 KEATING IV, JAMES
WAKEFIELD Lovell Lake

Requested Action:

Install a concrete anchor pad for seasonal dock pursuant to Env-Wt 303.04(ab).

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Install a concrete anchor pad for seasonal dock pursuant to Env-Wt 303.04(ab).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ab) construction of an anchoring pad for a seasonal dock.

CSPA PERMIT

2009-02064 DRISCOLL, JACK
ENFIELD Crystal Lake

Requested Action:

Impact 1,113 sq ft for the purpose of repairing an existing interceptor drain and drain pipe.

APPROVE AFTER THE FACT:

Impact 1,113 sq ft for the purpose of repairing an existing interceptor drain and drain pipe.

With Conditions:

1. All work shall be in accordance with plans submitted by David Driscoll and received by the Department of Environmental Services ("DES") on December 3, 2009.
2. No more than 6.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No impacts to native vegetation may occur between 50 feet and 150 feet from the reference line.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Silt fencing must be removed once the area is stabilized.

2009-02233 CRONENWETT, JACK/DEBRA
ENFIELD Mascoma Lake

Requested Action:

Impact 2,430 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system.

APPROVE AMENDMENT:

Impact 2,430 sq ft for the purpose of constructing a new residential dwelling and installing a new septic system.

With Conditions:

1. All work shall be in accordance with revised plans submitted by Jay Tucker and received by the Department of Environmental Services ("DES") on November 23, 2009.
2. No more than 1.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent upon all necessary approvals from the DES Subsurface Systems Bureau.

2009-02315 OTTER POND YACHT CLUB, DOUGLAS & JANE PEEL
SUNAPEE Otter Pond

Requested Action:

Impact 8,864 sq ft for the purpose of replacing a primary structure and associated accessory structures.

APPROVE PERMIT:

Impact 8,864 sq ft for the purpose of replacing a primary structure and associated accessory structures.

With Conditions:

1. All work shall be in accordance with revised plans by RCS Designs, dated November 28, 2009 and received by the Department of Environmental Services ("DES") on December 2, 2009.

2. No more than 2.29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
5. The project as proposed will leave approximately 172,744 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 86,372 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. Upon completion of the proposed project, regions within the waterfront buffer previously covered by impervious area must be revegetated with native vegetation.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Otter Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The primary structure proposed by the Applicant will meet the requirements of RSA 483-B:9, V.

**2009-02411 BLACK, FREDERICK & BEVERLY
FITZWILLIAM Rockwood Pond**

Requested Action:

Impact 684 sq. ft. for a covered porch and deck addition.

APPROVE PERMIT:

Impact 684 sq. ft. for a covered porch and deck addition.

With Conditions:

1. All work shall be in accordance with plans by Frederick Black dated October 8, 2009 and received by the Department of Environmental Services ("DES") on October 13, 2009.
2. No more than 6.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 44,880 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 32,200 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02644 MORRISSEY, JOHN
EAST WAKEFIELD Balch Pond

Requested Action:

Impact 1,200 sq ft to construct garage.

APPROVE PERMIT:

Impact 1,200 sq ft to construct garage.

With Conditions:

1. All work shall be in accordance with plans by Bickford Excavation dated November 1, 2009 and received by the Department of Environmental Services ("DES") on November 9, 2009.
2. No more than 6.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 15,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,750 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02742 THE ALLEN R HACKEL ORGANIZATION INC
WEBSTER Pillsbury Lake

Requested Action:

Impact 6,046 sq ft to build two bedroom home with septic and well.

APPROVE PERMIT:

Impact 6,046 sq ft to build two bedroom home with septic and well.

With Conditions:

1. All work shall be in accordance with plans by Steven C. Luger, Land Surveyor dated August 26, 2009 and received by the Department of Environmental Services ("DES") on November 17, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 12.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 19,429 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,073 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02773 KELLOWAY, O. KEITH AND DONNA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact area by extending deck by 8 feet, adding staircase, and removing a tree.

APPROVE PERMIT:

Impact area by extending deck by 8 feet, adding staircase, and removing a tree.

With Conditions:

1. All work shall be in accordance with plans by Lakes Region Survey Service Inc. dated November 12, 2009 and received by the Department of Environmental Services ("DES") on November 23, 2009.
2. No more than 31.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,373 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02774 BADMAN, DENNIS AND DONNA
WAKEFIELD Province Lake

Requested Action:

impact 6,803 sq ft to reconstruct existing non-conforming 3 bedroom home.

APPROVE PERMIT:

impact 6,803 sq ft to reconstruct existing non-conforming 3 bedroom home.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc. dated November 17, 2009 and received by the Department of Environmental Services ("DES") on November 23, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 14.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 8,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,985 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02779 FOREST LAKE CAMPGROUND INC, RICHARD SECORD
WINCHESTER Forest Lake**

Requested Action:

Impact 10,565 sq ft to construct a 2,088 sq ft single family home.

APPROVE PERMIT:

Impact 10,565 sq ft to construct a 2,088 sq ft single family home.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated November 11, 2009 and received by the Department of Environmental Services ("DES") on November 24, 2009.
2. No more than 8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 12,582 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,940 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02795 CAHILL, DAVID
ELKINS Pleasant Lake

Requested Action:

Impact 2,412 sq ft for the purpose of removing 6 outdated septic systems and installing one new state approved septic system.

APPROVE PERMIT:

Impact 2,412 sq ft for the purpose of removing 6 outdated septic systems and installing one new state approved septic system.

With Conditions:

1. All work shall be in accordance with plans submitted by David Cahill and received by the Department of Environmental Services ("DES") on November 24, 2009.
2. No more than 3.02% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Upon completion of the proposed project, the existing, outdated septic systems will pose no threat to adjacent surface waters.
5. The project as proposed will leave approximately 17,850 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,925 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

2009-02797 MONSON, DEREK/JESSICA
WINDHAM Cobbetts Pond

Requested Action:

Impact 10,400 sq ft to construct new dwelling with deck, driveway walkway, site grading, septic system, and other utilities.

APPROVE PERMIT:

Impact 10,400 sq ft to construct new dwelling with deck, driveway walkway, site grading, septic system, and other utilities.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated October 8, 2009 and received by the Department of Environmental Services ("DES") on November 25, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface

Systems Bureau.”

3. No more than 33% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,075 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02800 NH DEPT OF TRANSPORTATION
GREENLAND Winnicut River

Requested Action:

Impact 23,019 sq ft to make signalization, guard rail, and drainage improvements.

APPROVE PERMIT:

Impact 23,019 sq ft to make signalization, guard rail, and drainage improvements.

CSPA PERMIT W/WAIVER

2009-01928 PRIORE, RONALD & ROSALIE
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 4,205 sq ft for the purpose of constructing a new residential dwelling, relocating a driveway and installing a new septic system.

APPROVE PERMIT:

Impact 4,205 sq ft for the purpose of constructing a new residential dwelling, relocating a driveway and installing a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Paul F. Zuzgo, L.L.S., dated July 29, 2009 and received by the Department of Environmental Services ("DES") on August 27, 2009 and planting plans created by Ron Priore received by DES December 3, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the

appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. No more than 13.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
5. All pervious materials implemented shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The project as proposed will leave approximately 673 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Merrymeeting Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall area of imperviousness within the protected shoreland by 2.0%.
4. The applicant has proposed to construct the new primary structure with a 2 foot greater set back from the reference line.
5. The applicant has proposed to redirect the driveway to minimize concentrating stormwater and allow the new driveway to be composed of pervious materials.
6. The applicant has proposed to plant additional vegetation within the waterfront buffer.
7. The applicant has proposed to gain a greater set back from the reference line, decrease the net area of imperviousness within the protected shoreland and significantly enhance the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02301 ALLEN, DOUGLAS & ELIZABETH
ACWORTH Crescent Lake

Requested Action:

Impact 4,784 sq ft for the purpose of relocating, rebuilding and expanding a nonconforming primary structure and garage.

APPROVE PERMIT:

Impact 4,784 sq ft for the purpose of relocating, rebuilding and expanding a nonconforming primary structure and garage.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the

primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by WM Evans Engineers, LLC, dated November 23, 2009 and received by the Department of Environmental Services ("DES") on November 30, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16.62% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. There shall be no impacts to existing trees and saplings within the waterfront buffer associated with this project.
6. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
7. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Crescent Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to construct the new primary structure 12 feet further from the reference line.
4. The applicant has proposed to install stormwater controls consisting of (2) drywells.
5. The applicants has proposed to reduce the quantity of impervious area within the waterfront buffer.
6. The applicant has proposed to significantly enhance the waterfront buffer and install stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02620 KEMAH CORPORATION, C/O JOHN D. PRATT
MOULTONBOROUGH Squam Lake

Requested Action:

Impact 2,230 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system.

APPROVE PERMIT:

Impact 2,230 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates, dated December 4, 2009 and received by the Department of Environmental Services ("DES") on December 8, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. No more than 19.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 32,780 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 25,555 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. The proposed stormwater management plan shall be designed, implemented and maintained to effectively absorb and infiltrate stormwater.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to plant (8) high bush blueberry bushes and (3) maple trees.
4. The applicant has proposed to install stormwater controls consisting of 1 foot x 2 feet infiltration trenches under the drip line of the proposed structure.
5. The applicant has proposed to install stormwater controls and enhance the waterfront and natural woodland buffers with additional native vegetation and, therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.